

## CANDIDATE CHALLENGE FLOWCHART

### Read and be thoroughly familiar with Article 11B

<b>WHEN</b> <b>§ 163-127.2.(a)</b>	No later than 10 business days after the close of the filing period for notice of candidacy or petition with the Board of Elections. (Grounds discovered by a challenger after the deadline may be the basis for an election protest under G.S. 163-182.9, which could be considered before the election.)	
<b>WHO</b> <b>§ 163-127.1</b>	Any qualified voter registered in the same district as the office for which the candidate has filed or petitioned	
<b>HOW</b> <b>§ 163-127.2.(b)</b>	Verified affidavit by a challenger, based on reasonable suspicion or belief of the facts stated	
<b>PANEL FOR HEARING</b> <b>§ 163-127.3</b>	Panel to conduct the hearing on a challenge:	
	<b>Single county</b>	Panel shall be the County Board of Elections
	<b>Multicounty (but not entire state)</b>	The State Board of Elections shall appoint a panel within two business days after the challenge is filed. The panel shall consist of at least one member of the County Board of Elections in each county in the district of the office. Read G.S. 163-127.3(2) for additional information.
	<b>Entire state</b>	The panel shall be the State Board of Elections.
<b>HEARING</b> <b>§ 163-127.4(a), (b)</b>	Within five business days after the challenge is filed, the panel shall announce the time of the hearing and the facility where the hearing will be held. The panel shall give notice of the hearing to the challenger, to the candidate, other candidates filing or petitioning to be elected to the same office, to the county chair of each political party in every county in the district for the office, and to any persons who have requested to be notified. Each person given notice shall also be given a copy of the challenge or a summary of its allegations.	
<b>CONDUCT OF HEARING</b> <b>§§ 163-127.4.(c), 163-127.5</b>	Refer to this section on rules for conducting the hearing, such as receiving evidence, issuing subpoenas, etc. The hearing should be recorded and/or transcribed. The law places the burden of proof upon the challenged candidate, who must show by a preponderance of the evidence of the record as a whole that he or she is qualified to be a candidate for the office.	
<b>WRITTEN DECISION</b> <b>§ 163-127.4(d)</b>	Within 20 business days after the challenge is filed, that panel shall serve a written decision on the parties, with separate findings of fact and conclusions of law.	
<b>APPEALS</b> <b>§ 163-127.6</b>	<b>Single or Multicounty Panel</b>	Appeal must be taken within two business days after the panel serves the written decision on the parties. The written appeal must be delivered or deposited in the mail to the State Board. The State Board shall base its appellate decision on the whole record of the hearing conducted by the panel and render its opinion on an expedited basis. From the final order or decision by the State Board under this subsection, appeal as of right lies directly to the Court of Appeals. Appeal shall be filed no later than two business days after the State Board files its final order or decision in its office.
	<b>Statewide Panel</b>	Appeal must be taken within two business days after the panel files the written decision. The written appeal must be delivered or deposited in the mail to the Court of Appeals by the end of the second business day after the written decision was filed by the panel.

**This document in no way replaces reading the statute.**